

MINNESOTA BOARD OF BARBER EXAMINERS
MEETING MINUTES
MONDAY January 24, 2011

The Minnesota Board of Barber Examiners met on January 24, 2011 at 2829 University Avenue South East, Minneapolis, MN 55414; 4TH Floor, Conference Room A, Board Members present: Frank Plant, Doug Klemenhausen, Mike Vekich and Jon Stone.

1) Call to Order

Board Chair Frank Plant called the meeting to order at 8:00am

2) Approve Agenda

Motion by member Vekich to approve the agenda with the addition of two variance requests, second by member Stone motion carried unanimously.

3) Approve Minutes

4) Motion by member Vekich to approve the minutes of the November 15, 2010 meeting, second by member Klemenhausen motion carried by 3 ayes with member Vekich abstaining.

5) New Business

A. Election of officers for 2011:

Board Chair: Member Vekich nominated Frank Plant as Board Chair, second by member Stone, there were no further nominations Frank Plant was elected board chair for 2011.

Upon election Chair Plant thanked the members of the Board and welcomed the return of Executive Secretary Fisko and Inspector Lawson to the board after respective leaves of absents. Chair Plant also extended a thank you to Ms. Maki, temporary customer service specialist for her assistance in staffing the office and assisting with the barber license renewal process during the absents of secretary Fisko.

Board Secretary: Member Vekich nominated member Klemenhausen as Board Secretary, second by member Stone, there being no further nominations Douglas Klemenhausen was elected Board Secretary.

B. Committee appointments:

Executive Committee: Consists of Chair and Secretary per Board bylaws: An initial meeting of the Executive Committee was scheduled to follow the board meeting.

Complaint Committee: Members Klemenhausen and Stone were reappointed to the Complaint Committee by Board Chair Plant. A schedule for meetings is pending input from the assigned attorney from the Attorney General Office.

C. Board Vacancy:

It was noted that Public Member Vekich's appointment expired 1/3/2011. Per MN Statute 15.0575 members may serve until their successors are appointed... Member Vekich has agreed to continue to serve as allowed by statute.

Member Vekich noted that the vacancy has recently been posted at the Secretary of State Website.

Board appointments are made by the Governor.

D. Policy Clarification

The Executive Secretary asked for policy regarding Apprentice hours used for registered barber exam application. There have been several instances of apprentice barbers that have allowed their license to expire for more than one year taking the examination to re-license and then applying to take the Registered (Master) examination using hours accumulated under the original apprentice license. In at least one case the barber had been unlicensed for five or more years.

Motion was made by member Klemenhausen that once practice hours are approved by the board they do not expire and hours accumulated under previous license may be used for examination eligibility. Motion seconded by member Stone and passed unanimously.

The Executive Secretary asked for similar policy clarification regarding student hours and expiration. Board Chair Plant recognized Terri Mau from Mohler Barber School who commented on the schools practice regarding previous hours and breaks n attendance. The Executive Secretary was instructed that these hours do not expire.

6) Unfinished Business

A. Legislative Changes

The Executive Secretary summarized the proposed Statute Changes (Chapter 154) for the current legislative session as proposed by the Legislative Committee at its November 15, 2010 meeting

- Addition of a limited extension of registration as a registered apprentice barber for individuals receiving their barber education while incarcerated. The four years of eligibility to begin upon first release from a correctional facility after becoming a registered apprentice.
- Eliminate the requirement of an instructor's or teacher's vocational certificate issued by the Department of Education to become a barber instructor. Replace with specific education requirements. (The Minnesota Department of Education has discontinued this certification.)
- Discontinue the requirement of submitting two signed photos upon application and replacing this requirement with notary requirements on applications and the presentation of government issued picture identification at the time of examination for licensure.

- Extend license reciprocity to licensed barbers moving from states with requirements for additional hours of education or experience by eliminating language limiting reciprocity without examination “provided only if the other state or country grants the same privileges to holders of Minnesota certificates of registration.”

After brief discussion member Vekich moved for approval of the legislative proposals as presented, second by member Klemenhausen. Motion carried unanimously

B. Examinations

The Executive Secretary updated the board on the work of the Examination Committee regarding revision of the written examinations. The new written examinations will be used for the February Board Exams. A revised Study Guide has been available for registered (master) exam candidates since December 1, 2010. Barber Schools were given basic information regarding content and structure of the new apprentice examination during the first week of December.

Board Examinations will be held at the Minnesota School of Barbering on February 7, 2011. The Examination Committee also determined that shampoo will be discontinued as an examination requirement. It was brought to the Committee’s attention that per MN Rule 2100.0600 the examination consists of six parts: oral, written and four practical services, elimination of one practical service from the current examination requirements was therefore required.

Registration for the February Examination: 12 apprentice applications and 22 registered (master) examination applications have been processed. Application for the February 7, 2011 exam closed on January 20, 2011.

- #### C. Resolution authorizing the complaint committee to issue cease and desist orders and conduct disciplinary hearings per MN 154.161 Sub 3 (a) and (c) was presented.

Motion to approve the resolution by member Vekich, second by member Klemenhausen, motion carried unanimously.

D. Licensing of barbering activities within Minnesota correctional facilities

This item was tabled at the previous meeting due to the absence of Inspector Lawson. Inspector Lawson updated the Board: Many local and county correctional facilities employee registered (master) barbers who come to the facilities to cut hair for inmates for things like court appearances etc... Member Stone suggested that this could be seen as charitable activity under MN 154.04 subs (5). Inspector Lawson pointed out that the barbers are being compensated for their services and therefore this exemption does not apply and the barbering service should be provided in licensed barber shops. Inspector Lawson stated that many of the larger counties have indicated willingness to comply with the Barber Act and that he has also been working with Sheriffs Associations Attorney who will assist by sending his own letter to County Sheriffs.

E. Barber Stop Kiosks licensing in Minnesota.

The licensing of Barber Stop Kiosks in Minnesota was tabled at the previous meeting pending representation to the Board by a company representative. There were no representatives from Barber Stop in attendance therefore no action was taken at this time.

7) Correspondence and Variance requests:

- A. M.K. Seeking reimbursement of the \$15.00 late fee for 2010 license. MK was not in attendance at the meeting. Fees are set in Statute and therefore the Board cannot waive fees.

Motion by member Vekich to deny the request, second by member Stone. Motion carried unanimously Request Denied.

- B. A.B. and K.S. – Barbershop license expired 6/30/2009 (Reinstated license 12/27/2010) expired shop license resulted in K.S. apprenticeship hours being unacceptable. Seeking credit for apprentice hours: A.B. was in attendance and explained to the Board that the owner of the shop during the time in question had informed both A.B. and KS that he had paid for his license and had proof of payment therefore KS believed that her hours were in a licensed shop under a licensed registered barber. Unfortunately this individual has retired out of state and is not available to produce proof of payment; KS has purchased the shop and did pay the licensing fees to bring the shop into compliance currently.

Motion by member Klemenhausen to approve apprentice hours, stipulating that this is a one-time variance due to unique circumstances, second by member Stone. Motion carried unanimously – Request Approved

- C. T.S. License expired 12/31/2009, seeking variance from re-examination requirement in MN Rule 2100.3300: T.S. attended the meeting and explained the unique circumstances regarding the expiration of his license for more than one year. It was noted by Board staff that had he come to the office a few days earlier he would have been allowed to reinstate his license by payment of the restoration fee. Motion by member Klemenhausen to approve reinstatement without examination as a one-time variance. T.S.'s file will indicate no further variance requests to be granted to licensee and all late fees will apply, seconded by member Stone. Motion carried unanimously – Request Approved

- D. J.J. License expired 12/31/2009, seeking variance of re-examination requirement in MN Rule 2100.3300. J.J. attended the meeting and explained the unique circumstances regarding the expiration of his license for more than one year. Motion by member Klemenhausen to approve reinstatement without examination as a one-time variance. J.J.'s file will indicate no further variance requests to be granted to licensee and all late fees will apply, seconded by member Stone. Motion carried unanimously – Request Approved

Due to the nature of information to be provided to the Board regarding the next request a motion was made by member Vekich to close the meeting, seconded by member Klemenhausen. Motion carried unanimously.

This meeting of the Minnesota Board of Barber Examiners went into closed session at 9:25 am.

- E. M.B. – Failed registered (master) barber exam in November. Was retaking exam due to license expired more than one year. Seeking variance of re-examination requirement in MN Rule 2100.3300: M.B. was present at the meeting and presented his information to the Board in a closed session. Upon consideration of the unique and extraordinary circumstances presented a motion was made by member Vekich to approve the requested variance, as a one time rule variance, seconded by member Klemenhausen. Motion carried unanimously – Request Approved.

Motion to re-open the meeting to the public by member Klemenhausen, second by member Stone. Motion carried unanimously.

This meeting of the Minnesota Board of Barber Examiners was reopened to the public at 9:35 am

- F. DIA seeking application to license by examination through reciprocity from another country. After consideration of information provided additional information was requested from the applicant and the request was tabled to the next meeting of the Board.
- G. D.E. Seeking extension of apprentice eligibility for one month (expired 1/9/2011) to facilitate attendance at the February 7, 2011 examination. Motion by member Klemenhausen to extend eligibility one time for one month only, second by member Stone. Motion carried unanimously. – Request Approved.

8) Inspector Report

Jason Lawson was out on medical leave for nearly 2 months, but has returned to conducting inspections.

In the approximately two months of active inspection time since hire, after accounting for initial training and medical leave time, one hundred and seven inspections have been completed. In addition several re-inspections as needed have been conducted.

Inspector Lawson reported to the Board that he is working with barbers and barber shop owners to become compliant with statute and rule. He gauges the time between initial inspection and re-inspection based on the type of violations and estimated time and expense involved in correcting the situation.

Violations to report range from apprentices working without the supervision of a registered barber to an apprentice license being expired in 2009.

9) Executive Secretary Report

The executive secretary has been out of the office on medical leave for the majority of this reporting period. Due to some continuing healing and rehabilitation the executive secretary will be in the office part time and working remotely from home part time.

A Customer Service Specialist was hired to manage the licensing and customer needs during the executive secretaries absence. Donna Maki filled this temporary position. Donna has worked hard and done a good job with little training and should be commended for her efforts. At this time her temporary employment will be continued through at least March 15, 2011 to assure office coverage.

Legislative items to be aware of include budget deficit reduction proposals including wage freezes, staff reductions, and budget reductions.

- A. Fiscal Year to Date Revenue and Expenditure reports were provided to the board.

9) Call for Public Comments

- A. Barbara Fleet spoke to the Board regarding questions and concerns with the fee increases in recent years, a desire for more transparency of revenue and expenditure figures from the board, and reciprocity agreements.
1. Member Vekich recommended that the Board's expenditure and revenue spreadsheets could be posted to the website.

- B. Terrie Mau addressed the Board regarding:

1. The limit of schooling to eight hours per day. Terrie indicated that students would like to spend less time (fewer months) in school.
2. Charity Events: Can Barbers work outside the Barber Shop for Charity Events? – Answer - Yes, as long as there is no payment to the Barber.
3. Neck Dusters? -Answer-Neck Dusters are not permitted as they are porous and therefore cannot be sanitized between customers. The barber should use a towel that is then put in the hamper and only used on the one customer. Neck Dusters may be used for sweeping hair off the cape or the chair etc... but must not make contact with a customer's skin.

- 10) Possible change in meeting time: Due to the need of closing the meeting earlier in consideration of a variance request there was general discussion regarding the procedures for variance requests. It was proposed that the Complaint Committee could hear the requests and make recommendations to the Board. Options of having a brief Complaint Committee meeting prior to the Board meetings and moving the time of the

Board Meetings will be explored by the executive secretary. Any adjustment to meeting time will be included in the meeting announcement prior to the next scheduled meeting.

11) Member Vekich left the meeting at 9:55

12) Next Scheduled Meeting
March 21, 2011

13) Adjournment
Motion by member Stone to adjourn the meeting, second by member Klemenhausen.
Meeting adjourned at 10:05 am